

2001 DRAFTING REQUEST

Bill

Received: **12/14/2000**

Received By: **kuesejt**

Wanted: **As time permits**

Identical to LRB:

For: **Rick Skindrud (608) 266-3520**

By/Representing: **Al Colvin**

This file may be shown to any legislator: **NO**

Drafter: **kuesejt**

May Contact:

Alt. Drafters: **rmarchan**

Subject: **Elections - miscellaneous**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Dates and subjects of referenda

Instructions:

Per 1999 AB-105. Check on amendments.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kuesejt 01/07/2001 rmarchan 01/08/2001 kuesejt 01/09/2001	gilfokm 01/09/2001		_____ _____ _____ _____ _____			Local
/1			haugeca 01/10/2001 kfollet 01/10/2001	_____ _____ _____ _____	lrb_docadmin 01/10/2001	lrb_docadmin 01/11/2001	

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(formerly
CRB-1419)

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1/1	kuesejt	1/8 / Kmg 11-11 19-01	1/10 1/10	1/10 / ch 1/10			

FE Sent For:

<END>

1999 ASSEMBLY BILL 105

February 9, 1999 - Introduced by Representatives SKINDRUD, JENSEN, GARD, AINSWORTH, DUFF, FREESE, GROTHMAN, HAHN, HANDRICK, HOVEN, KELSO, LADWIG, F. LASEE, NASS, PETTIS, PORTER, RHOADES, SERATTI, SINICKI, SYKORA, VRAKAS, WALKER and WARD, cosponsored by Senators DRZEWIECKI, ELLIS, HUELSMAN, WELCH and LAZICH. Referred to Committee on Campaigns and Elections.

1 **AN ACT to amend** 7.15 (2) (d), 8.05 (3) (d) and (e), 8.06, 9.20 (4), 24.66 (3) (b), 24.66
2 (4), 32.72 (1), 59.08 (7) (b), 60.62 (2), 60.74 (5) (b), 61.187 (1), 61.46 (1), 62.09 (1)
3 (a), 64.03 (1), 64.39 (3), 66.01 (8), 66.059 (2m) (b), 66.061 (1) (c), 66.075 (5),
4 66.504 (2), 66.521 (10) (d), 66.77 (3) (a) 1., 66.94 (4), 67.05 (4) and (5), 67.05 (6a)
5 (a) 2. a., 67.05 (6m) (b), 67.10 (5) (b), 67.12 (12) (e) 5., 81.01 (3) (b), 86.21 (2) (a),
6 117.20, 119.48 (4) (b) and (c), 119.49 (1) (b) and (2), 121.91 (3) (a), 197.04 (1) (b)
7 and (2), 197.10 (2) and 198.19 (1); and **to create** 8.065 and 15.615 of the
8 statutes; **relating to:** scheduling of referenda by local governments.

Analysis by the Legislative Reference Bureau

Under current law, referenda are authorized or required to be held by local governments under various laws for various purposes. In some cases, these referenda are authorized or required to be held at special elections when no offices appear on the ballot. In most cases, there is no limitation upon the frequency that questions relating to the same subject matter may be submitted.

This bill provides that, unless a more restrictive limitation applies currently, a referendum by a local government may only be held concurrently with the spring primary (held in most election districts in each year), the spring election (held in each year), or on the first Tuesday after the first Monday in November of an

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odd-numbered year (no election is currently held on that date), the September primary (held in each even-numbered year) or general election (held in each even-numbered year). The bill also provides that, unless a more restrictive limitation applies currently, no referendum submitted by the same local government relating to substantially similar subject matter or relating to authorization for the borrowing of money may be held more than once in any 12-month period. However, the bill creates a state referendum appeal board consisting of the governor, the senate majority leader, the senate minority leader, the speaker of the assembly and the assembly minority leader or their designees, which is empowered to permit a local government to hold a referendum on a date that is not otherwise permitted if the board finds that an emergency exists which requires the referendum to be held on a date that is not otherwise permitted.

The bill applies to all referenda, including referenda concerning direct legislation (initiative) in cities and villages.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 7.15 (2) (d) of the statutes is amended to read:

2 7.15 (2) (d) Whenever the governing body of any municipality submits any
3 question to a vote of the electors or whenever a proper recall petition and certificate
4 are filed under s. 9.10, the municipal clerk shall issue a call for the election and
5 prepare and distribute ballots as required in the authorization of submission or as
6 provided in s. 9.10. The date of the referendum shall be established in accordance
7 with s. 8.065, and shall be fixed by the municipal clerk or board of election
8 commissioners unless otherwise provided by law or unless the governing body fixes
9 a date. The ballot for any referendum shall conform to s. 5.64 (2). If there is already
10 an official municipal referendum ballot for the election, the question may appear on
11 the same ballot.

12 **SECTION 2.** 8.05 (3) (d) and (e) of the statutes are amended to read:

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1 8.05 (3) (d) The question of adoption of the nonpartisan primary under this
2 subsection may be submitted to the electors at any regular election authorized under
3 s. 8.065 held in the town ~~or at a special election called for the purpose~~. When a
4 petition conforming to the requirements of s. 8.40 signed by at least 20 electors of the
5 town is filed with the town clerk so requesting, the question shall be submitted to a
6 vote.

7 (e) Petitions requesting a vote on the question at a regular town election shall
8 be filed no later than 5 p.m. the last Tuesday in February. When the petition is filed,
9 the clerk shall check its sufficiency. ~~Whether at a regular or special election, the~~ The
10 clerk shall give separate notice by one publication in a newspaper at least 5 days
11 before the election.

12 **SECTION 3.** 8.06 of the statutes is amended to read:

13 **8.06 Special elections may be called.** Towns, cities, villages and school
14 districts may call special elections for any purpose whenever such action is
15 authorized or required by law. If an election is called for a special referendum, the
16 election shall be called and noticed under as provided in s. 8.55.

17 **SECTION 4.** 8.065 of the statutes is created to read:

18 **8.065 Scheduling of referenda.** (1) In this section, "local governmental
19 unit" has the meaning given in s. 16.97 (7).

20 (2) Unless otherwise required by law or unless authorized under sub. (3), a
21 referendum held by any local governmental unit that is authorized or required by
22 law to hold a referendum may only be held concurrently with the spring primary,
23 spring election, September primary or general election, or on the first Tuesday after
24 the first Monday of November of an odd-numbered year. Unless otherwise required
25 by law or unless authorized under sub. (3), no referendum submitted by the same

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SECTION 4

1 local governmental unit relating to substantially similar subject matter or relating
2 to authorization for the borrowing of money may be held more than once in any
3 12-month period.

4 (3) If a local governmental unit wishes to hold a special referendum on a date
5 that is not concurrent with an election specified in s. 5.02 (5), (18), (21) or (22) or on
6 a date other than the first Tuesday after the first Monday in November of an
7 odd-numbered year, the local governmental unit may petition the referendum
8 appeal board for a determination that an emergency exists with respect to a
9 particular question. The referendum appeal board shall make a determination
10 within 10 days after receipt of a petition under this subsection. If the referendum
11 appeal board finds, with the concurrence of at least 4 members, that an emergency
12 exists which requires a special referendum to be held by a local governmental unit
13 on a date that is not concurrent with an election specified in s. 5.02 (5), (18), (21) or
14 (22) or on a date other than the first Tuesday after the first Monday in November of
15 an odd-numbered year, the board may permit a referendum relating to the question
16 specified in the petition to be held on a date determined by the local governmental
17 unit.

18 **SECTION 5.** 9.20 (4) of the statutes is amended to read:

19 9.20 (4) The common council or village board shall, without alteration, either
20 pass the ordinance or resolution within 30 days following the date of the clerk's final
21 certificate, or submit it to the electors at the next ~~spring or general~~ election
22 authorized under s. 8.065, if the election is more than 6 weeks after the date of the
23 council's or board's action on the petition or the expiration of the 30-day period,
24 whichever first occurs. If there are 6 weeks or less before the election, the ordinance
25 or resolution shall be voted on at the next election authorized under s. 8.065 (2) or

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1 an election authorized under s. 8.065 (3) thereafter. ~~The council or board by a~~
2 ~~three-fourths vote of the members elect may order a special election for the purpose~~
3 ~~of voting on the ordinance or resolution at any time prior to the next election, but not~~
4 ~~more than one special election for direct legislation may be ordered in any 6-month~~
5 ~~period.~~

6 SECTION 6. 15.615 of the statutes is created to read:

7 **15.615 Same; attached boards. (2) REFERENDUM APPEAL BOARD.** There is
8 created a referendum appeal board which is attached to the elections board under
9 s. 15.03. The board shall consist of the governor, the senate majority leader, the
10 senate minority leader, the speaker of the assembly and the assembly minority
11 leader or the designees of these persons. Members of the board shall serve for
12 indefinite terms.

13 SECTION 7. 24.66 (3) (b) of the statutes is amended to read:

14 24.66 (3) (b) *For long-term loans by unified school districts.* Every application
15 for a loan, the required repayment of which exceeds 10 years, shall be approved and
16 authorized for a unified school district by a majority vote of the members of the school
17 board at a regular or special meeting of the school board. Every vote so required shall
18 be by ayes and noes duly recorded. In addition, the application shall be approved for
19 a unified school district by a majority vote of the electors of the school district at a
20 ~~special election~~ referendum as provided under sub. (4).

21 SECTION 8. 24.66 (4) of the statutes is amended to read:

22 24.66 (4) POPULAR VOTE, WHEN REQUIRED. If any municipality is not empowered
23 by law to incur indebtedness for a particular purpose without first submitting the
24 question to its electors, the application for a state trust fund loan for that purpose
25 must be approved and authorized by a majority vote of the electors at a special

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SECTION 8

1 ~~election referendum~~ called, in accordance with s. 8.065, and noticed and held in the
2 manner provided for other ~~special elections referenda~~. The notice of the election
3 referendum shall state the amount of the proposed loan and the purpose for which
4 it will be used.

5 SECTION 9. 32.72 (1) of the statutes is amended to read:

6 32.72 (1) Sections 32.50 to 32.71 do not take effect in any city until the following
7 question is submitted to the electors of the city at a special election referendum called
8 in accordance with s. 8.065 and adopted by a majority vote of the electors voting:
9 “Shall subchapter II of chapter 32, Wisconsin Statutes, be effective in the city of
10, thus allowing the city to acquire and condemn property for street
11 widening and similar purposes, financed through assessments of benefits and
12 damages?”.

13 SECTION 10. 59.08 (7) (b) of the statutes is amended to read:

14 59.08 (7) (b) The question of the consolidation of the counties shall be submitted
15 to the voters at the next election authorized under s. 8.065 (2) or an election
16 authorized under s. 8.065 (3) to be held on the first Tuesday in April, or the next
17 ~~regular election, or at a special election to be held on a date specified in the order~~
18 which shall be no sooner than 45 days after the day fixed in date of the order issued
19 under par. (a), which day date shall be the same in each of the counties proposing to
20 consolidate. A copy of the order shall be filed with the county clerk of each of the
21 counties. If the question of consolidation is submitted at a special election, it shall
22 ~~be held not less than 30 days nor more than 60 days from the completion of the~~
23 ~~consolidation agreement, but not within 60 days of any spring or general election.~~

24 SECTION 11. 60.62 (2) of the statutes is amended to read:

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1 60.62 (2) If the county in which the town is located has enacted a zoning
2 ordinance under s. 59.69, the exercise of the authority under sub. (1) is subject to
3 approval by the town meeting or by a referendum vote of the electors of the town to
4 be held at the time of any regular or special election in accordance with s. 8.065.

5 **SECTION 12.** 60.74 (5) (b) of the statutes is amended to read:

6 60.74 (5) (b) A petition conforming to the requirements of s. 8.40 signed by
7 qualified electors of the district equal to at least 20% of the vote cast for governor in
8 the district at the last gubernatorial election, requesting a change to appointment
9 of commissioners, may be submitted to the town board, subject to sub. (5m) (a). Upon
10 receipt of the petition, the town board shall submit the question to a referendum at
11 the next ~~regular spring election or general election, or shall call a special election for~~
12 ~~that purpose~~ authorized under s. 8.065 (2) or an election authorized under s. 8.065
13 (3) to be held not sooner than 45 days after receipt of the petition. The inspectors
14 shall count the votes and submit a statement of the results to the commission. The
15 commission shall canvass the results of the election and certify the results to the
16 town board which has authority to appoint commissioners.

17 **SECTION 13.** 61.187 (1) of the statutes is amended to read:

18 61.187 (1) PROCEDURE. Whenever a petition conforming to the requirements
19 of s. 8.40, signed by at least one-third as many electors of any village as voted for
20 village officers at the next preceding election therefor, shall be presented to the
21 village board praying for dissolution of the village corporation, such board shall
22 submit to the electors of such village, for determination by ballot in substantially the
23 manner provided by ss. 5.64 (2) and 10.02, ~~at a general election or at a special election~~
24 ~~called by them for that purpose~~ the next election authorized under s. 8.065 (2) or an
25 election authorized under s. 8.065 (3) to be held not sooner than 45 days after

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SECTION 13

1 presentation of the petition, the question whether or not such village corporation
2 shall be dissolved.

3 **SECTION 14.** 61.46 (1) of the statutes is amended to read:

4 61.46 (1) GENERAL; LIMITATION. The village board shall, on or before December
5 15 in each year, by resolution to be entered of record, determine the amount of
6 corporation taxes to be levied and assessed on the taxable property in such village
7 for the current year. Before levying any tax for any specified purpose, exceeding one
8 percent of the assessed valuation aforesaid, the village board shall, and in all other
9 cases may in its discretion, submit the question of levying the same to the village
10 electors at ~~any general or special~~ the next election authorized under s. 8.065 (2) or
11 an election authorized under s. 8.065 (3) to be held no sooner than 45 days after
12 submission by giving 10 days' notice thereof prior to such election by publication in
13 a newspaper published in the village, if any, and if there is none, then by posting
14 notices in 3 public places in said village, setting forth in such notices the object and
15 purposes for which such taxes are to be raised and the amount of the proposed tax.

16 **SECTION 15.** 62.09 (1) (a) of the statutes is amended to read:

17 62.09 (1) (a) The officers shall be a mayor, treasurer, clerk, comptroller,
18 attorney, engineer, one or more assessors unless the city is assessed by a county
19 assessor under s. 70.99, one or more constables as determined by the common
20 council, a local health officer, as defined in s. 250.01 (5), or local board of health, as
21 defined in s. 250.01 (3), street commissioner, board of police and fire commissioners
22 except in cities where not applicable, chief of police, chief of the fire department,
23 board of public works, 2 alderpersons from each aldermanic district, and such other
24 officers or boards as are created by law or by the council. If one alderperson from each
25 aldermanic district is provided under s. 66.018 (1), the council may, by ordinance

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1 adopted by a two-thirds vote of all its members and approved by the electors at a
2 ~~general or special~~ any election authorized under s. 8.065, provide that there shall be
3 2 alderpersons from each aldermanic district.

4 **SECTION 16.** 64.03 (1) of the statutes is amended to read:

5 64.03 (1) Every ordinance or resolution for the adoption of ss. 64.01 to 64.15,
6 and every petition for a ~~special election~~ referendum on the same, shall state the
7 number of members of which the council herein provided for shall be composed, the
8 term of office of its members, which term shall not exceed 2 years, whether they shall
9 be nominated and elected from aldermanic districts or from the city at large, and the
10 compensation, if any, which they shall receive.

11 **SECTION 17.** 64.39 (3) of the statutes is amended to read:

12 64.39 (3) Upon filing such petition, the mayor shall, by proclamation, submit
13 the questions prescribed in sub. (1) at a ~~special~~ the next election authorized under
14 s. 8.065 (2) or an election authorized under s. 8.065 (3) to be held at a time specified
15 ~~therein and within 2 months~~ not sooner than 45 days after such petition is filed. The
16 election upon such question shall be conducted, the vote canvassed, and the result
17 declared in the same manner as provided by law for other city elections.

18 **SECTION 18.** 66.01 (8) of the statutes is amended to read:

19 66.01 (8) Every charter, charter amendment or charter ordinance enacted or
20 approved by a vote of the electors shall control and prevail over any prior or
21 subsequent act of the legislative body of the city or village. Whenever the electors
22 of any city or village by a majority vote have adopted or determined to continue to
23 operate under either ch. 62 or 64, or have determined the method of selection of
24 members of the governing board, the question shall not again be submitted to the
25 electors, nor action taken thereon within a period of 2 years. Any election to change

ASSEMBLY BILL 105**SECTION 18**

1 or amend the charter of any city or village, other than ~~a special~~ an election as
2 ~~provided in called under~~ s. 9.20 (4), shall be held at the time provided by statute for
3 holding the spring election.

4 **SECTION 19.** 66.059 (2m) (b) of the statutes is amended to read:

5 66.059 (2m) (b) If a referendum is to be held on a resolution, the municipal
6 governing body shall direct the municipal clerk to ~~call a special election for the~~
7 ~~purpose of submitting~~ submit the resolution to the electors for approval of the
8 electors at a referendum on approval or rejection. ~~In lieu of a special election, the~~
9 ~~municipal governing body may specify that the election be held at the next~~
10 ~~succeeding spring primary or election or September primary or general election~~
11 called in accordance with s. 8.065.

12 **SECTION 20.** 66.061 (1) (c) of the statutes is amended to read:

13 66.061 (1) (c) No such ordinance shall be operative until 60 days after passage
14 and publication unless sooner approved by a referendum. Within that time electors
15 equal in number to 20 per cent of those voting at the last regular municipal election,
16 may demand a referendum. The demand shall be in writing and filed with the clerk.
17 Each signer shall state his or her occupation and residence and signatures shall be
18 verified by the affidavit of an elector. The referendum shall be held at the next
19 ~~regular municipal election, or at a special election within 90 days of the~~ authorized
20 under s. 8.065 (2) or an election authorized under s. 8.065 (3) to be held not sooner
21 than 45 days after filing of the demand, and the ordinance shall not be effective
22 unless approved by a majority of the votes cast thereon. This paragraph shall not
23 apply to extensions by a utility previously franchised by the village or city.

24 **SECTION 21.** 66.075 (5) of the statutes is amended to read:

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1 66.075 (5) The provisions of this section shall apply only to such counties, cities,
2 villages and towns as shall have adopted the same at any general or municipal
3 election at which the question of the establishment of such county or municipal
4 slaughterhouse shall have been submitted to the voters of such county, city, village
5 or town. Such question shall, upon the filing of a petition conforming to the
6 requirements of s. 8.40 by electors of such county, city, village or town equal in
7 number to at least 10% of all the votes cast in such county, city, village or town for
8 governor at the last preceding general election, be submitted to the electors of such
9 county, city, village or town at the next ensuing election authorized under s. 8.065 (2)
10 or an election authorized under s. 8.065 (3) to be held not sooner than 45 days after
11 filing of the petition, and if a majority of votes cast shall be in favor of the
12 establishment of such slaughterhouse, the provisions of this section shall apply to
13 such county, city, village or town.

14 **SECTION 22.** 66.504 (2) of the statutes is amended to read:

15 66.504 (2) **FACILITIES AUTHORIZED.** A municipality may enter into a joint
16 contract with a nonprofit corporation organized for civic purposes and located in the
17 municipality to construct or otherwise acquire, equip, furnish, operate and maintain
18 a facility to be used for municipal and civic activities if a majority of the voters voting
19 in a referendum at a ~~special election or at a spring primary or election or September~~
20 ~~primary or general~~ an election authorized under s. 8.065 approve the question of
21 entering into the joint contract.

22 **SECTION 23.** 66.521 (10) (d) of the statutes is amended to read:

23 66.521 (10) (d) The governing body may issue bonds under this section without
24 submitting the proposition to the electors of the municipality for approval unless
25 within 30 days from the date of publication of notice of adoption of the initial

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1 resolution for such bonds, a petition conforming to the requirements of s. 8.40, and
2 signed by a number of electors of the municipality equal to not less than 5% of the
3 ~~registered electors of the municipality~~, or, if there is no registration of electors in the
4 municipality, by 10% of the number of electors of the municipality voting for the office
5 of governor at the last general election as determined under s. 115.01 (13), is filed
6 with the clerk of the municipality requesting a referendum upon the question of the
7 issuance of the bonds. If such a petition is filed, the bonds shall not be issued until
8 approved by a majority of the electors of the municipality voting thereon at a ~~general~~
9 ~~or special election~~ referendum called in accordance with s. 8.065.

10 **SECTION 24.** 66.77 (3) (a) 1. of the statutes is amended to read:

11 66.77 (3) (a) 1. If the governing body of a county wishes to exceed the operating
12 levy rate limit otherwise applicable to the county under this section, it shall adopt
13 a resolution to that effect. The resolution shall specify either the operating levy rate
14 or the operating levy that the governing body wishes to impose for either a specified
15 number of years or an indefinite period. The governing body shall ~~call a special~~
16 ~~referendum for the purpose of submitting the resolution to the electors of the county~~
17 ~~for approval or rejection. In lieu of a special referendum, the governing body may~~
18 ~~specify that~~ provide for the referendum to be held at the next succeeding spring
19 ~~primary or election or September primary or general election to be held~~ authorized
20 under s. 8.065 (2) or an election authorized under s. 8.065 (3) that occurs not earlier
21 than 30 days after the adoption of the resolution of the governing body.

22 **SECTION 25.** 66.94 (4) of the statutes is amended to read:

23 66.94 (4) MANNER OF ADOPTION. This section may be adopted by any city, village
24 or town within the metropolitan district in the following manner: The governing body
25 of any municipality, by ordinance passed at least 30 days prior to submission of the

ASSEMBLY BILL 105

1 question, may direct that the question of the adoption of this section be submitted
2 to the electors therein at any ~~general, special, judicial or local~~ election authorized
3 under s. 8.065. The clerk of such municipality or the election commission of any city
4 of the first class shall thereupon submit the question to popular vote. Public notice
5 of the election shall be given in the same manner as in case of a regular municipal
6 election except that such notice shall be published or posted at least 20 days prior to
7 the election. If a majority of those voting on the question vote in the affirmative
8 thereon, this section shall be adopted in such municipality. The proposition on the
9 ballot to be used at such election shall be in substantially the following form:

10 Shall section 66.94 of the Wisconsin statutes which creates a metropolitan
11 transit authority for ownership and operation of a public mass transportation system
12 in the metropolitan district be adopted?

13 YES ☐ NO ☐

14 **SECTION 26.** 67.05 (4) and (5) of the statutes are amended to read:

15 67.05 (4) PERMISSIVE REFERENDUM IN COUNTIES. If a county board adopts an
16 initial resolution for an issue of county bonds to provide for the original construction
17 or for the improvement and maintenance of highways, to provide railroad aid, or to
18 construct, acquire or maintain, or to aid in constructing, acquiring or maintaining
19 a bridge over or across any stream or other body of water bordering upon or
20 intersecting any part of the county, the county clerk is not required to submit the
21 resolution for approval to the electors of the county at a ~~special election~~ referendum
22 unless within 30 days after the adoption thereof there is filed with the clerk a petition
23 conforming to the requirements of s. 8.40 and requesting such submission, signed by
24 electors numbering at least 10% of the votes cast in the county for governor at the
25 last general election. If a petition is filed, the question submitted shall be whether

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SECTION 26

1 the resolution shall be or shall not be approved. No such resolution of a county board
2 other than those specified in this subsection need be submitted to county electors,
3 except as provided otherwise in sub. (7).

4 (5) REFERENDUM IN TOWNS, VILLAGES AND CITIES. (a) Whenever an initial
5 resolution has been so adopted by the governing body of a town, the clerk of the
6 municipality shall immediately record the resolution and call a ~~special election~~
7 referendum in accordance with s. 8.065 for the purpose of submitting the resolution
8 to the electors of the municipality for approval. This paragraph does not apply to
9 bonds issued to finance low-interest mortgage loans under s. 66.38, unless a number
10 of electors equal to at least 15% of the votes cast for governor at the last general
11 election in their town sign and file a petition conforming to the requirements of s. 8.40
12 with the town clerk requesting submission of the resolution. Whenever a number of
13 electors cannot be determined on the basis of reported statistics, the number shall
14 be determined in accordance with s. 60.74 (6). If a petition is filed, the question
15 submitted shall be whether the resolution shall or shall not be approved. This
16 paragraph is limited in its scope by sub. (7).

17 (b) No city or village may issue any bonds for any purposes other than for water
18 systems, lighting works, gas works, bridges, street lighting, street improvements,
19 street improvement funding, hospitals, airports, harbor improvements, river
20 improvements, breakwaters and protection piers, sewerage, garbage disposal,
21 rubbish or refuse disposal, any combination of sewage, garbage or refuse or rubbish
22 disposal, parks and public grounds, swimming pools and band shells thereon,
23 veterans housing projects, paying the municipality's portion of the cost of abolishing
24 grade crossings, for the construction of police facilities and combined fire and police
25 safety buildings, for the purchase of sites for engine houses, for fire engines and other

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1 equipment of the fire department, for construction of engine houses, and for pumps,
2 water mains, reservoirs and all other reasonable facilities for fire protection
3 apparatus or equipment for fire protection, for parking lots or other parking
4 facilities, for school purposes, for libraries, for buildings for the housing of machinery
5 and equipment, for acquiring and developing sites for industry and commerce as will
6 expand the municipal tax base, for financing the cost of low-interest mortgage loans
7 under s. 66.38, for providing financial assistance to blight elimination, slum
8 clearance, community development, redevelopment and urban renewal programs
9 and projects under ss. 66.405 to 66.425, 66.43, 66.431, 66.4325, 66.435 and 66.46 or
10 for university of Wisconsin system college campuses, as defined in s. 36.05 (6m), until
11 the proposition for their issue for the special purpose thereof has been submitted to
12 the electors of the city or village and adopted by a majority vote. Except as provided
13 under sub. (15), if the common council of any city or the village board of any village
14 declares its purpose to raise money by issuing bonds for any purpose other than those
15 above specified, it shall direct by resolution, which shall be recorded at length in the
16 record of its proceedings, the clerk to call a ~~special election~~ referendum in accordance
17 with s. 8.065 for the purpose of submitting the question of bonding to the city or
18 village electors. If a number of electors of a city or village equal to at least 15% of the
19 votes cast for governor at the last general election in their city or village sign and file
20 a petition conforming to the requirements of s. 8.40 with the city or village clerk
21 requesting submission of the resolution, the city or village may not issue bonds for
22 financing the cost of low-interest mortgage loans under s. 66.38 ~~without calling a~~
23 ~~special election to submit the question of bonding to~~ unless the issuance is approved
24 by the city or village electors for their approval at a referendum called in accordance
25 with s. 8.065.

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SECTION 27

1 **SECTION 27.** 67.05 (6a) (a) 2. a. of the statutes is amended to read:

2 67.05 **(6a)** (a) 2. a. Direct the school district clerk to call a special election
3 referendum in accordance with s. 8.065 (2) or an election authorized under s. 8.065
4 (3) for the purpose of submitting the resolution to the electors for approval or
5 rejection, ~~or direct that the resolution be submitted at the next regularly scheduled~~
6 primary or election permitted under s. 8.065 (2) or an election authorized under s.
7 8.065 (3) to be held not earlier than 45 days after the adoption of the resolution. The
8 resolution shall not be effective unless adopted by a majority of the school district
9 electors voting at the referendum.

10 **SECTION 28.** 67.05 (6m) (b) of the statutes is amended to read:

11 67.05 **(6m)** (b) If a referendum is to be held on an initial resolution, the district
12 board shall direct the technical college district secretary to call a ~~special election~~
13 referendum in accordance with s. 8.065 for the purpose of submitting the initial
14 resolution to the electors for ~~a referendum on approval or rejection. In lieu of a~~
15 ~~special election, the district board may specify that the election be held at the next~~
16 ~~succeeding spring primary or election or September primary or general election.~~

17 **SECTION 29.** 67.10 (5) (b) of the statutes is amended to read:

18 67.10 **(5)** (b) Any city having voted approved the issuance of bonds at a special
19 referendum election held in accordance with s. 8.065 and having sold a portion
20 thereof may negotiate, sell or otherwise dispose of the same in the manner provided
21 by statute within 9 years of the date of the election voting the same.

22 **SECTION 30.** 67.12 (12) (e) 5. of the statutes is amended to read:

23 67.12 **(12)** (e) 5. Within 10 days of the adoption by a technical college district
24 board of a resolution under subd. 1. to issue a promissory note for a purpose under
25 s. 38.16 (2), the secretary of the district board shall publish a notice of such adoption

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1 as a class 1 notice, under ch. 985. The notice need not set forth the full contents of
2 the resolution, but shall state the amount proposed to be borrowed, the method of
3 borrowing, the purpose thereof, that the resolution was adopted under this
4 subsection and the place where and the hours during which the resolution is
5 available for public inspection. If the amount proposed to be borrowed is for building
6 remodeling or improvement and does not exceed \$500,000 or is for movable
7 equipment, the district board need not submit the resolution to the electors for
8 approval unless, within 30 days after the publication or posting, a petition
9 conforming to the requirements of s. 8.40 is filed with the secretary of the district
10 board requesting a referendum ~~at a special election~~ to be called for that purpose.
11 Such petition shall be signed by electors from each county lying wholly or partially
12 within the district. The number of electors from each county shall equal at least 1.5%
13 of the population of the county as determined under s. 16.96 (2) (c). If a county lies
14 in more than one district, the technical college system board shall apportion the
15 county's population as determined under s. 16.96 (2) (c) to the districts involved and
16 the petition shall be signed by electors equal to the appropriate percentage of the
17 apportioned population. ~~In lieu of a special election, the district board may specify~~
18 ~~that the referendum shall be held at the next succeeding spring primary or election~~
19 ~~or September primary or general election.~~ Any resolution to borrow amounts of
20 money in excess of \$500,000 for building remodeling or improvement shall be
21 submitted to the electors of the district for approval. Any referendum under this
22 subdivision shall be called at the next election authorized under s. 8.065 (2) or an
23 election authorized under s. 8.065 (3) occurring not sooner than 45 days after filing
24 of a petition or adoption of a resolution requiring the referendum. If a referendum
25 is held or required under this subdivision, no promissory note may be issued until

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SECTION 30

1 the issuance is approved by a majority of the district electors voting at such
2 referendum. The referendum shall be noticed, called and conducted under s. 67.05
3 (6a) insofar as applicable, except that the notice of ~~special election~~ referendum and
4 ballot need not embody a copy of the resolution and the question which shall appear
5 on the ballot shall be "Shall (name of district) be authorized to borrow the sum of
6 \$.... for (state purpose) by issuing its general obligation promissory note (or notes)
7 under section 67.12 (12) of the Wisconsin Statutes?".

8 **SECTION 31.** 81.01 (3) (b) of the statutes is amended to read:

9 81.01 (3) (b) The town board by resolution submits to the electors of the town
10 as a referendum at a ~~general or special town~~ an election authorized under s. 8.065
11 the question of exceeding the \$10,000 limit set under this subsection. The board shall
12 abide by the majority vote of the electors of the town on the question. The question
13 shall read as follows:

14 Shall the town of ... spend \$... over the annual limit of \$10,000 for the
15 construction and repair of its highways and bridges?

16 FOR SPENDING ☐ AGAINST SPENDING ☐

17 **SECTION 32.** 86.21 (2) (a) of the statutes is amended to read:

18 86.21 (2) (a) Before any such toll bridge is constructed or acquired under this
19 section, a resolution authorizing the construction or acquisition thereof, and
20 specifying the method of payment therefor, shall be adopted by a majority of the
21 members of the governing body of such county, town, village or city at a regular
22 meeting, after publication of said resolution, as a class 2 notice, under ch. 985. The
23 resolution shall include a general description of the property it is proposed to acquire
24 or construct. Any county, town, village or city constructing or acquiring a toll bridge
25 under this section may provide for the payment of the same or any part thereof from

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1 the general fund, from taxation, or from the proceeds of either municipal bonds,
2 revenue bonds or as otherwise provided by law. Such resolution shall not be effective
3 until 15 days after its passage and publication. If within said 15 days a petition
4 conforming to the requirements of s. 8.40 is filed with the clerk of such municipality
5 signed by at least 20% of the electors thereof requesting that the question of
6 acquiring such toll bridge be submitted to the said electors, such question shall be
7 submitted at ~~any general or regular municipal~~ the next election authorized under s.
8 8.065 (2) or an election authorized under s. 8.065 (3) that may be is held not less
9 sooner than 10 nor more than 40 45 days from the date of filing such petition. In case
10 ~~no such general or regular municipal election is to be held within such stated period,~~
11 ~~then the governing body of such municipality shall order a special election to be held~~
12 ~~within 30 days from the filing of such petition upon the question of whether such toll~~
13 ~~bridge shall be acquired by said municipality.~~ The question submitted to the electors
14 shall specify the method of payment for such toll bridge as provided in the resolution
15 for the acquisition thereof. If no such petition is filed, or if the majority of votes cast
16 at such referendum election are in favor of the acquisition of such toll bridge, then
17 the resolution of the governing body for the acquisition of such toll bridge shall be in
18 effect.

19 **SECTION 33.** 117.20 of the statutes is amended to read:

20 **117.20 Referendum procedures.** (1) If a referendum is required under ss.
21 117.08 to 117.11, it shall be held on the Tuesday after the first Monday in November
22 occurring not sooner than 45 days following receipt of the petition or adoption of the
23 resolution under s. 117.08 (3) (a), 117.09 (3) (a), 117.10 (3) (a) or 117.11 (4) (a). If a
24 referendum is required under s. 117.105, it shall be held on the Tuesday after the first

ASSEMBLY BILL 105**SECTION 33**

Monday in the 2nd November occurring not sooner than 45 days following receipt of the petition or adoption of the resolution under s. 117.105 (1).

(2) The clerk of each affected school district shall publish notice, as required under s. 8.55 10.06 (4), in the territory of that school district. The procedures for school board elections under s. 120.06 (5), (9), (11), (13) and (14) apply to a referendum held under this section. The school board and school district clerk of each affected school district shall each perform, for that school district, the functions assigned to the school board and the school district clerk, respectively, under those subsections. The form of the ballot shall correspond to the form prescribed by the elections board under ss. 5.64 (2) and 7.08 (1) (a). The clerk of each affected school district shall file with the secretary of the board a certified statement prepared by the school district board of canvassers of the results of the referendum in that school district.

SECTION 34. 119.48 (4) (b) and (c) of the statutes are amended to read:

119.48 (4) (b) The communication shall state the purposes for which the funds from the increase in the levy rate will be used and shall request the common council to submit to the voters of the city the question of exceeding the levy rate specified in s. 65.07 (1) (f) ~~at the September election or a special~~ an election authorized under s. 8.065.

(c) Upon receipt of the communication, the common council shall cause the question of exceeding the levy rate specified under s. 65.07 (1) (f) to be submitted to the voters of the city ~~at the September election or at a special~~ next election authorized under s. 8.065 (2) or an election authorized under s. 8.065 (3) to be held not sooner than 45 days after receipt of the communication. The question of exceeding the levy rate specified under s. 65.07 (1) (f) shall be submitted upon a separate ballot or in

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1 some other manner so that the vote upon exceeding the levy rate specified in s. 65.07
2 (1) (f) is taken separately from any other question submitted to the voters. If a
3 majority of the electors voting on the question favors exceeding the levy rate specified
4 under s. 65.07 (1) (f), the common council shall approve the increase in the levy rate
5 and shall levy and collect a tax equal to the amount of money approved by the
6 electors.

7 **SECTION 35.** 119.49 (1) (b) and (2) of the statutes are amended to read:

8 119.49 (1) (b) The communication shall state the amount of funds needed under
9 par. (a) and the purposes for which the funds will be used and shall request the
10 common council to submit to the voters of the city at the next election authorized
11 under s. 8.065 (2) or an election authorized under s. 8.065 (3) to be held in the city
12 not sooner than 45 days after receipt of the communication the question of issuing
13 school bonds in the amount and for the purposes stated in the communication.

14 (2) Upon receipt of the communication, the common council shall cause the
15 question of issuing such school bonds in the stated amount and for the stated school
16 purposes to be submitted to the voters of the city at the next election held in the city
17 authorized under s. 8.065 (2) or an election authorized under s. 8.065 (3) that occurs
18 not sooner than 45 days after the date of receipt of the communication. The question
19 of issuing such school bonds shall be submitted upon a separate ballot or in some
20 other manner so that the vote upon issuing such school bonds is taken separately
21 from any other question submitted to the voters. If a majority of the electors voting
22 on the school bond question favors issuing such school bonds, the common council
23 shall cause the school bonds to be issued immediately or within the period permitted
24 by law, in the amount requested by the board and in the manner other bonds are
25 issued.

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SECTION 36

1 **SECTION 36.** 121.91 (3) (a) of the statutes is amended to read:

2 121.91 (3) (a) If a school board wishes to exceed the limit under sub. (2m)
3 otherwise applicable to the school district in any school year, it shall promptly adopt
4 a resolution supporting inclusion in the final school district budget of an amount
5 equal to the proposed excess revenue. The resolution shall specify whether the
6 proposed excess revenue is for a recurring or nonrecurring purpose, or, if the
7 proposed excess revenue is for both recurring and nonrecurring purposes, the
8 amount of the proposed excess revenue for each purpose. Within 10 days after
9 adopting the resolution, the school board shall notify the department of the
10 scheduled date of the referendum and submit a copy of the resolution to the
11 department. The school board shall call a special referendum in accordance with s.
12 8.065 for the purpose of submitting the resolution to the electors of the school district
13 for approval or rejection. ~~In lieu of a special referendum, the school board may~~
14 ~~specify that the referendum be held at the next succeeding spring primary or election~~
15 ~~or September primary or general election, if such election is, to be held not earlier~~
16 sooner than 35 days after the adoption of the resolution of the school board. The
17 school district clerk shall certify the results of the referendum to the department
18 within 10 days after the referendum is held.

19 **SECTION 37.** 197.04 (1) (b) and (2) of the statutes are amended to read:

20 197.04 (1) (b) If within either of the 90-day periods described in par. (a) a
21 petition conforming to the requirements of s. 8.40 is filed with the clerk of the
22 municipality and the petition has been signed by 5% of the electors of a 1st class city
23 or by 10% of the electors of all other municipalities requesting that the question of
24 discontinuing the proceeding to acquire the plant or equipment of the public utility
25 be submitted to the electors of the municipality, the applicable question under par.

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(c) shall be submitted to the electors at ~~any general or regular municipal~~ the succeeding election authorized under s. 8.065 (2) or an election authorized under s. 8.065 (3) that ~~may be~~ is held not less than 30, ~~and not more than~~ 35, days from the date of the filing of the petition. ~~If no general election or regular municipal election is to be held within the stated periods, the governing body of the municipality shall order the holding of a special election for the purpose of submitting the question to the electors.~~

(2) The governing body of the municipality may provide for notice of, the manner of holding s, the method of voting on, the method of making returns of, and the method of canvassing and determining the result of, the election required under sub. (1). Notice of the election to the electors shall be given by a brief notice of that fact once a week for 3 weeks in some newspaper of general circulation published in the municipality. If no newspaper of general circulation is published in the municipality, publication may be made in any newspaper of general circulation in the county seat of the county in which the municipality is located. ~~The notice of holding any special election shall be incorporated as a part of the notice given under this subsection.~~

SECTION 38. 197.10 (2) of the statutes is amended to read:

197.10 (2) Such contract when adopted by the common council of said city and accepted by the owner or owners of such public utility shall be submitted to the public service commission for its approval and upon such approval the same shall be submitted in such manner as the common council shall determine to a vote of the electors of such city at the next ~~regular municipal election or at a special election called for that purpose~~ authorized under s. 8.065 (2) or an election authorized under s. 8.065 (3) to be held not sooner than 45 days after approval of the commission, and

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1 such contract shall not become binding upon such city until approved by a majority
2 vote of the qualified electors of such city voting thereon. No bonds shall in any case
3 be issued by said city under the contract or contracts mentioned in sub. (1), until the
4 proposition of their issue shall have been submitted to the people of such city and
5 adopted by a majority of the electors voting thereon.

6 **SECTION 39.** 198.19 (1) of the statutes is amended to read:

7 198.19 (1) Any territory, constituting one or more municipalities contiguous to
8 a district may be annexed to and become a part of such district to all intents and
9 purposes and with like effect as though originally included therein upon such terms
10 and conditions as the board of directors of the district shall fix by ordinance adopted
11 by the affirmative vote of two-thirds of the directors-elect, provided that before such
12 ordinance becomes effective the same shall be accepted and ratified by the
13 affirmative vote of a majority of the qualified electors entitled to vote and voting in
14 a ~~special election~~ referendum called and held for that purpose, in accordance with
15 s. 8.065, in each municipality proposed in such ordinance to be annexed to the
16 district. Such ordinance shall be published and such election shall be noticed, held
17 and conducted, as nearly as may be, in the manner provided by this chapter for the
18 noticing, holding and conduct of elections upon the organization of a municipal power
19 district, except that the returns of such election and the ballots therein shall be
20 delivered to the clerk of the district. The results of said election shall be canvassed
21 publicly by the directors of the district.

22 **SECTION 40. Initial applicability.**

23 (1) This act first applies with respect to referenda called on the effective date
24 of this subsection.

25 (END)

Kuesel, Jeffery

From: Kuesel, Jeffery
Sent: Sunday, January 07, 2001 6:20 PM
To: Colvin, Alan
Cc: Marchant, Robert
Subject: LRB-1520 (Dates and Subjects of Referenda)

Al,

We are working on LRB-1520 for Rep. Skindrud, which is the 2001 version of 1999 AB-105, relating to dates and subjects of referenda. At this point, we have based the draft on Engrossed AB-105, but we wanted to make sure that you wanted each of the adopted amendments incorporated into that version. The amendments are as follows:

AA- 1 (Elections Committee) - deletes a provision that, with certain exceptions, prohibits a referendum from being submitted relating to substantially similar subject matter or relating to authorization for borrowing more than once in any 12-month period.

AA- 4 (Walker) - permits any referendum to be held without authorization by the referendum appeal board on the 2nd Tuesday of September of any odd-numbered year.

AA- 5 (Kaufert) - inserts an effective date (in this draft, January 1, 2002 or the day after publication, whichever is later).

AA- 6 (part 2) (Miller) - changes the membership of the referendum appeals board from a 5-member board consisting of the governor and the 4 legislative leaders or their designees to a 4-member board appointed by the elections board from designations made by the 4 legislative leaders.

AA- 9 (Miller) - requires the concurrence of 3, rather than 4, members of the referendum appeal board for the board to take action. This would presumably be included if AA-6 were included.

In addition, you requested an amendment that was not taken up on behalf of the Wisconsin Association of School Boards, **LRBa0135/1**, which provides that if a referendum is scheduled to be held in a school district on the first Tuesday after the first Monday in November relating to authorization for the district to exceed its revenue limit, the school district may set its annual levy, certify the amount of the levy and perform certain other related acts after the referendum is held, which may be later than the dates that these acts are required to be performed under current law. This amendment is not germane to the original bill, but could be included at this point without raising a germaneness problem.

I understand that the assembly wants to take up this draft early, I we would appreciate a prompt reply. Thanks.

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